

## **EXHIBIT 3**

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**From:** Mickey Ricketts <Mickey.Ricketts@bjciplaw.com>  
**Sent:** Monday, October 21, 2013 1:42 PM  
**To:** Cheng, Calvin  
**Cc:** BJC-DietGoal; Bernell, Ben; Chibib, Michael  
**Subject:** RE: DietGoal v Arby's Restaurant Group et al.: Deposition status

Calvin,

To clarify, I meant to type "Friday, **October 25, 2013,**" not November. Please let us know by this coming Friday when Starbucks will make its witness(es) available. Thank you.

Mickey

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**From:** Mickey Ricketts  
**Sent:** Monday, October 21, 2013 1:23 PM  
**To:** 'Cheng, Calvin'  
**Cc:** BJC-DietGoal; Bernell, Ben; Chibib, Michael  
**Subject:** RE: DietGoal v Arby's Restaurant Group et al.: Deposition status

Calvin,

Thank you for your response below. Since Starbucks will not be producing a witness this week pursuant to DietGoal's 30(b)(6) notice, we ask that you please let us know, no later than Friday, November 25, 2013, when Starbucks' witness(es) will be available. Thank you.

Best regards,  
Mickey

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**From:** Cheng, Calvin [<mailto:Calvin.Cheng@bgllp.com>]  
**Sent:** Monday, October 21, 2013 12:41 PM  
**To:** Mickey Ricketts  
**Cc:** BJC-DietGoal; Bernell, Ben; Chibib, Michael  
**Subject:** RE: DietGoal v Arby's Restaurant Group et al.: Deposition status

Mickey:

As stated in the voicemail I just left for you, a witness for Starbucks will not be available for the date noticed in your Second 30(b)(6) Notice of Deposition, October 25, 2013.

Thanks,

Calvin Cheng | Associate | Bracewell & Giuliani LLP  
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**From:** Mickey Ricketts [<mailto:Mickey.Ricketts@bjciplaw.com>]  
**Sent:** Friday, October 18, 2013 12:15 PM  
**To:** [ben.nernell@bglip.com](mailto:ben.nernell@bglip.com); Chibib, Michael; Cheng, Calvin  
**Cc:** BJC-DietGoal  
**Subject:** DietGoal v Arby's Restaurant Group et al.: Deposition status

Counsel,

Please confirm whether Starbucks intends to produce a witness or witnesses for the 30(b)(6) deposition on October 25, 2013 pursuant to DietGoal's Second 30(b)(6) Notice served on September 26, 2013. Thank you.

Best regards,  
Mickey

**MICHAEL D. "MICKEY" RICKETTS**

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